

# Worst Open Government Performance of 2014: U.S. Federal Chief Information Officers (CIO) Council Wins Rosemary Award

By [The National Security Archive](#)

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[The National Security Archive](#) 18 March 2015

By Tom Blanton and Lauren Harper

*Hillary Clinton E-Mail Controversy Illuminates Government-Wide Failure*

*National Security Archive Lawsuit Established E-Mails as Records in 1993*

*CIO Council Repeats as Rosemary “Winner” for Doubling Down On “Lifetime Failure”*

*Only White House Saves Its E-Mail Electronically, Agencies No Deadline Until 2016*

Washington, DC, March 18, 2015 – The Federal Chief Information Officers (CIO) Council has won the infamous Rosemary Award for worst open government performance of 2014, according to the citation published today by the National Security Archive at [www.nsarchive.org](http://www.nsarchive.org).

The National Security Archive had hoped that awarding the [2010 Rosemary Award](#) to the Federal Chief Information Officers Council for never addressing the government’s “lifetime failure” of saving its e-mail electronically would serve as a government-wide wakeup call that saving e-mails was a priority. Fallout from the Hillary Clinton e-mail debacle shows, however, that rather than “waking up,” the top officials have opted to hit the “snooze” button.

The Archive established the not-so-coveted Rosemary Award in 2005, named after President Nixon’s secretary, Rose Mary Woods, who testified she had erased 18-and-a-half minutes of a crucial Watergate tape — stretching, as she showed photographers, to answer the phone with her foot still on the transcription pedal. Bestowed annually to highlight the lowlights of government secrecy, the Rosemary Award has recognized a rogue’s gallery of open government scofflaws, including the CIA, the Treasury Department, the Air Force, the FBI, the Justice Department, and Director of National Intelligence James Clapper.

Chief Information Officer of the United States Tony Scott was appointed to lead the Federal CIO Council on February 5, 2015, and his brief tenure has already seen more references in the news media to the importance of maintaining electronic government records, including e-mail, and the requirements of the Federal Records Act, than the past five years. Hopefully Mr. Scott, along with Office of Management & Budget Deputy Director for Management Ms. Beth Cobert will embrace the challenge of their Council being named a repeat Rosemary

Award winner and use it as a baton to spur change rather than a cross to bear.



Left to Right, US CIO Tony Scott, OMB Deputy Director for Management Beth Cobert, and DOS CIO Steven Taylor.

Many on the Federal CIO Council could use some motivation, including the beleaguered State Department CIO, Steven Taylor. In office since April 3, 2013, Mr. Taylor [is in charge of](#) the Department's information resources and IT initiatives and services. He "is directly responsible for the Information Resource Management (IRM) Bureau's budget of \$750 million, and oversees State's total IT/ knowledge management budget of approximately one billion dollars." Prior to his current position, Taylor served as Acting CIO from August 1, 2012, as the Department's Deputy Chief Information Officer (DCIO) and Chief Technology Officer of Operations from June 2011, and was the Program Director for the State Messaging and Archival Retrieval Toolset (SMART).

While Hillary Clinton [repeatedly claimed](#) that because she sent her official e-mail to "government officials on their State or other .gov accounts ... the emails were immediately captured and preserved," a recent State Department Office of Inspector General [report](#) contradicts claims that DOS' e-mail archiving system, ironically named SMART, did so.

The report found that State Department "employees have not received adequate training or guidance on their responsibilities for using those systems to preserve 'record emails.'" In 2011, while Taylor was State's Chief Technology Officer of Operations, State Department employees only created 61,156 record e-mails out of more than a billion e-mails sent. In other words, roughly .006% of DOS e-mails were captured electronically. And in 2013, while Taylor was State's CIO, a paltry seven e-mails were preserved from the Office of the Secretary, compared to the 4,922 preserved by the Lagos Consulate in Nigeria.

Even though the report notes that its assessments "do not apply to the system used by the Department's high-level principals, the Secretary, the Deputy Secretaries, the Under Secretaries, and their immediate staffs, which maintain separate systems," the State Department has not provided any estimation of the number of Clinton's e-mails that were preserved by recipients through the Department's anachronistic "[print and file](#)" system, or any other procedure.

## President's IT Budget for FY 2015

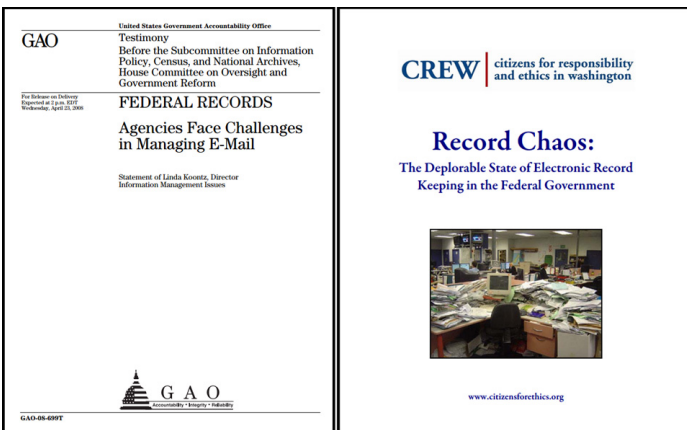
Agency	IT Spending (\$ Millions)			FY 14 to FY 15 Change	
	2013 (PY)	2014 (CY)	2015 (BY)	\$ Millions	% Change
U.S. Army Corps of Engineers	\$478	\$445	\$634	\$189	42.38%
Department of Commerce	\$1,619	\$1,890	\$1,990	\$100	5.29%
Department of Education	\$500	\$583	\$697	\$114	2.19%
Department of Veterans Affairs	\$3,485	\$3,852	\$4,032	\$180	4.67%
Department of the Treasury	\$3,448	\$3,503	\$3,971	\$468	13.36%
Environmental Protection Agency	\$392	\$402	\$441	\$38	9.50%
Office of Personnel Management	\$85	\$96	\$95	(\$1)	-0.45%
Department of Labor	\$552	\$581	\$611	\$31	5.29%
Department of Homeland Security	\$5,343	\$5,816	\$5,813	(\$3)	-0.06%
Small Business Administration	\$100	\$102	\$109	\$7	7.05%
Department of State	\$1,354	\$1,427	\$1,460	\$33	2.28%
Department of Transportation	\$3,060	\$3,290	\$3,283	(\$7)	-0.20%
National Science Foundation	\$96	\$99	\$103	\$4	3.80%
Smithsonian Institution	\$60	\$60	\$63	\$3	4.10%
Social Security Administration	\$1,489	\$1,667	\$1,538	(\$129)	-7.74%
Department of Agriculture	\$2,592	\$2,580	\$2,611	\$30	1.18%
National Aeronautics and Space Administration	\$1,432	\$1,399	\$1,442	\$42	3.01%
U.S. Agency for International Development	\$325	\$117	\$126	\$9	7.40%
Department of Health and Human Services	\$8,576	\$9,596	\$8,627	(\$968)	-10.09%
Department of Justice	\$2,523	\$2,493	\$2,470	(\$23)	-0.91%
Department of the Interior	\$1,015	\$1,022	\$989	(\$22)	-3.14%
Department of Energy	\$1,498	\$1,497	\$1,453	(\$44)	-2.96%
Nuclear Regulatory Commission	\$162	\$152	\$152	\$0	0.02%
General Services Administration	\$698	\$593	\$572	(\$21)	-3.53%
National Archives and Records Administration	\$118	\$102	\$93	(\$9)	-8.81%
Department of Housing and Urban Development	\$383	\$290	\$281	(\$9)	-2.97%
Subtotal for Major Civilian Agencies	\$41,273	\$43,754	\$43,655	(\$99)	-0.23%
Department of Defense	\$36,624	\$37,644	\$35,370	(\$2,275)	-6.04%
<b>Total IT Investments for Federal Government</b>	<b>\$77,897</b>	<b>\$81,398</b>	<b>\$79,025</b>	<b>(\$2,374)</b>	<b>-2.92%</b>

Data source: Agency FY 2015 IT budgets (Exhibit 53)

Left: President's IT Budget for FY2015 shows State Department's IT budget for FY2014 topped \$1.4 billion. [Click to enlarge.](#)

The unfortunate silver lining of Hillary Clinton [inappropriately appropriating](#) public records as her own is that she likely preserved her records much more comprehensively than her State Department colleagues, most of whose e-mails have probably been lost under Taylor's IT leadership.

The bigger issue is that Federal IT gurus have known about this problem for years, and the State Department is not alone in not having done anything to fix it. A [2008 survey](#) by Citizens for Responsibility and Ethics in Washington (CREW) and [OpenTheGovernment.org](#) did not find a single federal agency policy that mandates an electronic record keeping system agency-wide. Congressional testimony in 2008 by the [Government Accountability Office](#) indicted the standard "print and file" approach by pointing out: "agencies recognize that devoting significant resources to creating paper records from electronic sources is not a viable long-term strategy;" yet GAO concluded even the "print and file" system was failing to capture historic records "for about half of the senior officials."



Right: 2008 reports by CREW, right, and the GAO, left, highlighted problems preserving e-mails. [Click to enlarge.](#)

Troublingly, [current Office of Management and Budget guidance](#) does not require federal agencies to manage "all email records in an electronic format" until December 31, 2016. The only part of the federal government that seems to be facing up to the e-mail preservation challenge with any kind of "best practice" is the White House, where the Obama administration installed on day one an e-mail archiving system that preserves and

manages even [the President's own](#) Blackberry messages.

The National Security Archive brought the original White House e-mail lawsuit against President Reagan in early 1989, and continued the litigation against Presidents George H.W. Bush and Bill Clinton, until court orders compelled the White House to install the "ARMS" system to archive e-mail. The [Archive sued the George W. Bush administration in 2007](#) after discovering that the Bush White House had junked the Clinton system without replacing its systematic archiving functions. CREW subsequently joined this suit and with the [Archive negotiated a settlement](#) with the Obama administration that included the recovery of as many as 22 million e-mails that were previously missing or misfiled.

As a result of two decades of the Archive's White House e-mail litigation, several hundred thousand e-mails survive from the Reagan White House, [nearly a half million](#) from the George H.W. Bush White House, 32 million from the Clinton White House, and an estimated 220 million from the George W. Bush White House.

Previous recipients of the Rosemary Award include:

- [2013 - Director of National Intelligence James Clapper](#) (for his "No, sir" lie to Senator Ron Wyden's question: "Does the NSA collect any type of data at all on millions or hundreds of millions of Americans?")
- [2012 - the Justice Department](#) (in a repeat performance, for failing to update FOIA regulations to comply with the law, undermining congressional intent, and hyping its open government statistics)
- [2011- the Justice Department](#) (for doing more than any other agency to eviscerate President Obama's Day One transparency pledge through pit-bull whistleblower prosecutions, recycled secrecy arguments in court cases, retrograde FOIA regulations, and mixed FOIA responsiveness)
- [2010 - the Federal Chief Information Officers' Council](#) (for "lifetime failure" to address the crisis in government e-mail preservation)
- [2009 - the FBI](#) (for having a record-setting rate of "no records" responses to FOIA requests)
- [2008 - the Treasury Department](#) (for shredding FOIA requests and delaying responses for decades)
- [2007 - the Air Force](#) (for disappearing its FOIA requests and having "failed miserably" to meet its FOIA obligations, according to a federal court ruling)
- [2006 - the Central Intelligence Agency](#) (for the biggest one-year drop-off in responsiveness to FOIA requests yet recorded).

## Rogue Band of Federal E-mail Users and Abusers Compounds Systemic Problems

Former Secretary of State [Hillary Clinton](#) and other federal officials who skirt or even violate federal laws designed to preserve electronic federal records compound e-mail management problems. Top government officials who use personal e-mail for official business include: Clinton; former U.S. Ambassador to Kenya Scott [Gration](#); chairman of the U.S. Chemical Safety Board [Rafael Moure-Eraso](#); and former Secretary of State [Colin Powell](#), who [told ABC's This Week](#) "I don't have any to turn over. I did not keep a cache of them. I did not print them off. I do not have thousands of pages somewhere in my personal files."

Others who did not properly save electronic federal records include Environmental

Protection Agency former administrator [Lisa Jackson](#) who used the pseudonym Richard Windsor to receive email; current EPA administrator [Gina McCarthy](#), who improperly deleted thousands of text messages (which also are federal records) from her official agency cell phone; and former Internal Revenue Service official [Lois Lerner](#), whose emails regarding Obama's political opponents "went missing or became destroyed."

The destruction of other federal records was even more blatant. [Jose Rodriguez](#), the former CIA official in charge of the agency's defunct torture program ordered the destruction of key videos documenting it in 2005, claiming that "the heat from destroying [the torture videos] is nothing compared to what it would be if the tapes ever got into the public domain;" [Admiral William McRaven](#), ordered the immediate destruction of any emails about Operation Neptune Spear, including any photos of the death of Osama bin Laden ("destroy them immediately"), telling subordinates that any photos should have already been turned over to the CIA — presumably so they could be placed in operational files out of reach of the FOIA.

















































These rogues make it harder — if not impossible — for agencies to streamline their records management, and for FOIA requesters and others to obtain official records, especially those not exchanged with other [government employees](#). The US National Archives currently trusts agencies to determine and preserve e-mails which agencies have "deemed appropriate for preservation" on their own, often by employing a "[print and file](#)" physical archiving process for digital records. Any future reforms to e-mail management must address the problems of outdated preservation technology, Federal Records Act violators, and the scary fact that only one per cent of government e-mail addresses are saved digitally by the National Archive's recently-initiated "[Capstone](#)" program.



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